

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

C/M

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MICHELLE WONG,	:	
	:	
	:	<u>MEMORANDUM & ORDER</u>
Plaintiff,	:	
	:	19-cv-6900 (BMC) (VMS)
- against -	:	
	:	
NEW YORK CITY ADMINISTRATION	:	
CHILDREN'S SERVICES and LINDSAY A.	:	
EGAN,	:	
	:	
Defendants.	:	
	:	
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COGAN, District Judge.		

Plaintiff filed this *pro se* action on December 9, 2019. On December 20, 2019, plaintiff filed, and the Court denied, an Order to Show Cause for Preliminary Injunction asking this Court to enforce provisions of New York State’s Social Services Law and Penal Law and to order defendants to return forms that plaintiff submitted under the Health Insurance Portability and Accountability Act of 1996 (“HIPAA”). On December 23, 2019, plaintiff filed a Motion for *Ex Parte* Temporary Order which the Court construes as an Order to Show Cause for Preliminary Injunction because plaintiff claims that she will suffer immediate and irreparable injury if her motion is not granted. She also requests an emergency hearing before the Court.

Plaintiff requests the Court issue a preliminary injunction based on alleged violations of federal criminal law. Namely, she contends defendants have violated 18 U.S.C. § 2258 (Failure to report child abuse) and 18 U.S.C. § 1621 (perjury). It is long established, however, that a private citizen does not have a right to initiate or to compel the initiation of criminal proceedings. See Leeke v. Timmerman, 454 U.S. 83, 87 (1981) (“[T]he decision to prosecute is solely within the discretion of the prosecutor.”); Sheehy v. Brown, 335 F. App'x 102, 104 (2d Cir. 2009)

(summary order) (affirming district court dismissal of claims because “federal criminal statutes do not provide private causes of action”). Accordingly, the Court cannot find that plaintiff’s request for injunctive relief demonstrates a likelihood of success on the merits. See Green Party of New York State v. New York State Bd. of Elections, 389 F.3d 411, 418 (2d Cir. 2004).

Plaintiff also seeks the same relief as her December 20, 2019 Order to Show Cause. For the reasons stated in the Court’s prior order, plaintiff’s request for preliminary injunctive relief [14] is denied. Lastly, plaintiff’s request an emergency hearing is denied.

SO ORDERED.

U.S.D.J.

Dated: Brooklyn, New York
December 23, 2019